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HOUSEBREAKING LAW FOR TORRANCE IS CHALLENGED

(Continued from Page 1-A)

ice officer is the judge of the degree of intoxication, under the proposed law.

While there has been an Appellate court ruling upholding the validity of similar ordinances in one other city, the question never has gone to the Supreme Court, and it appears that if Torrance City Council passes the ordinance, with or without recommendation of the new City Attorney, the document is headed in that direction.

"Why should Torrance be the testing ground," asked one indignant citizen. "Cannot we keep our Constitutional rights secure?"

It was said that the ordinance permitting peace officers to enter private homes and take possession of individuals accused of being "intoxicated" is sponsored in part by the objections of some magistrates to being roused from their sleep during the night to sign complaints used in quote Article IV of the Bill of Rights) "upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The magistrate's duties require that he be available to hear any person arrested at any time if the accused person demands that he be taken before the magistrate immediately upon his arrest according to the law.

In a letter under date of Dec. 12, 1947, to City Clerk A. H. Bartlett, A. A. Heist, director of the American Civil Liberties Union, said, in full:

"There has come to the attention of this office the Torrance Herald account of the proposed final reading of an ordinance which is represented to have the support of your Chief of Police.

"I cannot believe that there is any attorney at law who will regard an ordinance as described in the clipping at hand as anything but the grossest kind of disregard of statutory and Constitutional rights. May we suggest that in the interest of your taxpayers, on whom the costs of litigation would inevitably fall

if such an ordinance were passed, that the council first refer this to your city attorney for a legal opinion as to its constitutionality? And will you be good enough to send to this office a copy of whatever opinion your legal counsel may give?"

"That your Chief of Police should favor an ordinance that permits him to enter a home without a warrant is no surprise to us in view of the reports we have of what seem to be instances of disregard of civil liberties of Torrance citizens at the hands of your Police Department.

"I scarcely need to add that if such an ordinance is put on the statute books of Torrance, the American Civil Liberties Union will be prepared to take action under laws making possible damages for false arrest, and to bring whatever other action we may deem proper to guard the civil rights of Torrance citizens.

"Trusting that you will favor me with a copy of your city attorney's opinion, I am,

Sincerely yours,

"A. A. Heist, director."

Further, Heist said:

"The proposed ordinance is typical of what is happening in municipalities after municipalities. Under the cloak of the present hysteria, public officials are adopting more and more of totalitarian methods. Never was it more essential to democracy that every community have a fighting unit for the preservation of our Bill of Rights."

Other opponents pointed out that while the proposed ordinance might be meant for the protection of a person "annoyed" within a private house, it does not exempt a person outside a private house from claiming that he or she is being "annoyed" by a person living "next door" or in the apartment above or below. It is alleged that any person can call the police to arrest anyone who has been accused of being intoxicated (quoting the ordinance) "in or on any place open to the public view or in any store, railway depot, stadium or other places to which the public is admitted or invited, or in or on any private premises or in ANY PRIVATE HOUSE to the annoyance of ANY OTHER PERSON." In case of the mere telephone call of the person "annoyed," the sole judge of whether or not a person is to be held without complaint overnight or for a period of hours in the City Jail is the police officer answering the call, it was said.

There was a spontaneous response to the news article which appeared on Page 1 of the Torrance Herald edition of Dec. 11, and while letters appearing in this edition are a part of the protest, George Downing announced that so great is the opposition to the proposed law that a meeting is being called to organize and protest directly to the City Council what is termed an ordinance to "legalize housebreaking."

A letter sent to the Herald by Downing stated: "That part of the ordinance pertaining to private homes 'smells to the high heavens.' It's a flagrant violation of the Constitutional rights of every citizen. Such ordinances get nation-wide publicity which is not good advertising for the municipality concerned.

"Today this nation is trying to educate its children to re-

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